

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF WISCONSIN

TREVOR HILLSTROM

Plaintiff,

v.

GENESIS FINANCIAL & PAYMENT
SYSTEMS WISCONSIN, LLC
D/B/A USA WEB CASH

Defendant.

**DEFENDANT GENESIS FINANCIAL
& PAYMENT SYSTEMS
WISCONSIN, LLC D/B/A USA WEB
CASH NOTICE OF AND PETITION
FOR REMOVAL**

Case No. 20-CV-827

Pursuant to 28 U.S.C. § 1446(b)(3), Defendant, Genesis Financial & Payment Systems Wisconsin, LLC d/b/a USA Web Cash (“Genesis”) hereby files a Notice of Removal (“Notice”) to this Court for the above-captioned action.

In further support of the Notice, Genesis states:

1. Genesis is the named Defendant in the state action in this matter (“State Action”) and was served with the Complaint on June 26, 2020.
2. A claim under the state of Wisconsin Consumer Act was the sole cause of action brought in Plaintiff’s Complaint, which was not removable to this Court.
3. On July 27, 2020, Genesis filed an Answer to Plaintiff Complaint.
4. On August 24, 2020, Plaintiff filed an Amended Summons and First Amended Complaint alleging Genesis violated the Electronic Funds Transfer Act, 15 U.S.C. § 1693.

5. The Notice is being filed with this Court within thirty (30) days after Genesis received a copy of Plaintiff's amended pleading setting forth claims that are removable.

6. Pursuant to 28 U.S.C. § 1446(a), attached hereto is a true and correct copy of all substantive records and proceedings from the State Action.

7. Plaintiff's First Amended Complaint alleges violation of the federal Electronic Funds Transfer Act, 15 U.S.C. § 1693, *et. seq.* ("EFTA") against Genesis (*see* First Am. Compl. Count 3).

8. Genesis is engaged in consumer loans and the subsequent collection of debt from those transactions, and is organized under the laws of the State of Delaware.

9. As Plaintiff's First Amended Complaint plainly states, one of the three claims for relief alleged in the State Action against Genesis arises under the EFTA. Thus this Court has original subject matter jurisdiction over the above-captioned action pursuant to 28 U.S.C. § 1331. As for the other claims ("Counts 1 and 2") in the First Amended Complaint, alleging relief under the Wisconsin Consumer Act and seeking injunctive and declaratory judgment, this Court has supplemental jurisdiction over that claim pursuant to 28 U.S.C. §§ 1367 and 1441(c).

10. The above-captioned action may properly be removed to this United States District Court pursuant to 28 U.S.C. § 1441(a) and (c).

11. The United States District Court for the Western District of Wisconsin is the federal district encompassing the Circuit Court for Douglas County, Wisconsin where this action was originally filed. Venue is therefore proper in this District under 28 U.S.C. § 1441(a).

12. Genesis does not waive any defense to the First Amended Complaint, including but not limited to lack of service, improper service, or lack of personal jurisdiction.

13. Pursuant to 28 U.S.C. § 1446(d) Genesis shall file a copy of this Notice of Removal with the Clerk of Court for Douglas County, Wisconsin and shall serve Plaintiff with this Notice promptly after its filing.

NOW THEREFORE, Genesis respectfully requests that the State Action be removed to the United States District Court for the Western District of Wisconsin pursuant to 28 U.S.C. § 1441, *et. seq.* and that this District Court enter such other and further orders as may be necessary to accomplish the requested removal.

Dated this 9th day of September, 2020.

RUDER WARE
Attorneys for Defendant, Royal Credit Union

By: /s Matthew J. Cornetta
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